



Federal Election Commission  
Washington, DC 20463

**MEMORANDUM**

TO: Greg Baker  
Office of General Counsel

CC: Alec Palmer  
Staff Director

Patricia C. Orrock  
Chief Compliance Officer

Jeff Jordan  
Complaints Examination & Legal Administration

Debbie Chacona  
Reports Analysis Division

Kathleen Guith  
Office of General Counsel

FROM: Lynn M. Fraser  
Director, ADR Office

SUBJECT: ADR 814 (RAD 16L-20)

DATE: November 4, 2016

Pursuant to the decision of the OGC and Compliance divisions, the ADRO has closed ADR 814, Kyle McCarter for Congress and Kelly Standfield, Treasurer. Our records now reflect this case as referred to OGC.

An electronic copy of the RAD referral is attached. The letter of introduction was mailed to Respondents and they will be informed of the transfer when they respond.

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REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: October 20, 2016

ANALYST: Nataliya Ioffe

- I. COMMITTEE: Kyle McCarter for Congress Committee  
C00589739  
Kelly Standfield, Treasurer  
40 Commerce Lane  
Lebanon, IL 62264
- II. RELEVANT STATUTES: 52 U.S.C. § 30118(a)  
11 CFR § 103.3(b)  
11 CFR § 102.9(e)  
11 CFR § 110.1(b)

III. BACKGROUND:

**Excessive, Prohibited and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions Within the Permissible Timeframe**

Kyle McCarter for Congress Committee ("the Committee") received excessive and prohibited contributions totaling \$45,413.69 for the 2016 Primary Election from one (1) individual, one (1) limited liability company, and two (2) corporate entities. The Committee did not timely refund, reattribute, or redesignate these excessive and prohibited contributions (Attachments 2 and 3).

On January 29, 2016, the Committee filed the 2015 Year-End Report, covering the period from October 1, 2015 to December 31, 2015 (Image 201601299004896209). This report disclosed an excessive contribution of \$34,600.00 from one (1) individual and contributions totaling \$10,813.69 from one (1) limited liability company<sup>1</sup> and two (2) corporate entities.

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<sup>1</sup> The limited liability company contribution did not disclose a partnership attribution. The company listing on the Illinois Secretary of State web site contained no information indicating that this entity is treated as a partnership.

On March 3, 2016, the Committee filed the 12 Day Pre-Primary Report covering the period from January 1, 2016 to February 24, 2016. This report disclosed refunds of the excessive contribution of 34,600.00 from one (1) individual and apparently prohibited contributions of \$10,313.69 from one (1) limited liability company and one (1) corporate entity that were made outside of the permissible timeframe (Attachment 3).

On May 3, 2016, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2015 Year-End Report. The RFAI noted the Committee's receipt of excessive and potentially prohibited contributions, some of which were refunded outside of the permissible timeframe, and requested that the Committee take corrective action or provide a clarification (Image 201605030300042917).

On June 10, 2016, the Reports Analysis Division (RAD) Analyst contacted the Committee concerning the excessive and prohibited contributions cited in the May 3, 2016 RFAI, among other items. The RAD Analyst spoke with the Candidate and informed him that since these contributions were not remedied within the permissible timeframe, the matter would be referred to another Commission office. At the Candidate's request, the Analyst e-mailed him a copy of the RFAI (Attachment 6).

**Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Primary Election Loss)**

Kyle McCarter for Congress Committee ("the Committee") received 2016 General Election contributions from two (2) individuals and one (1) partnership that were not refunded or redesignated within the permissible timeframe from the date Kyle McCarter ("the Candidate") lost in the 2016 Illinois Primary Election. The contributions total \$5,900.00 as disclosed on the 2016 12-Day Pre-Primary and April Quarterly Reports (Attachment 4).

**2016 12 Day Pre-Primary Report**

On March 3, 2016, the Committee filed the 2016 12 Day Pre-Primary Report, covering the period from January 1 to February 24, 2016 (Image 201603039009641039). This report disclosed the receipt of \$24,300.00 in 2016 General Election contributions from nine (9) individuals.

On March 15, 2016, the Candidate lost in the Primary Election for Illinois's 15<sup>th</sup> Congressional District.

On May 3, 2016, a Request for Additional Information ("RFAI") referencing the 2016 April Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of 2016 General Election contributions during the 2015-2016 election cycle and requested that the Committee refund or redesignate the contributions since the Candidate was not eligible to participate in the 2016 General Election (Image 201605030300042922).

On June 10, 2016, the Reports Analysis Division (RAD) Analyst contacted the Committee concerning the unrefunded 2016 General Election contributions, cited in the May 3, 2016 RFAI, among other items. The RAD Analyst spoke with the Candidate and informed him that if these contributions are not timely refunded, the matter would be referred to another Commission office. At the Candidate's request, the Analyst e-mailed him a copy of the RFAI. The Candidate stated that the Committee would disclose the refunds of the 2016 General Election contributions on the next report (Attachment 6).

On July 15, 2016, the Committee filed the 2016 July Quarterly Report covering the period from April 1, 2016 to June 30, 2016 (Image 201607159020570122). This report disclosed refunds of \$21,600.00 in 2016 General Election contributions from nine (8) individuals, originally disclosed on the 2016 12 Day Pre-Primary Report, that were made within the permissible timeframe. No remedy was disclosed for a \$2,700 General Election contribution from one (1) individual, originally disclosed on the 2016 12 Day Pre-Primary Report (Attachment 5).

#### 2016 April Quarterly Report

On April 15, 2016, the Committee filed the 2016 April Quarterly Report covering the period from February 25, 2016 to March 31, 2016 (Image 201604159012497433). This report disclosed the receipt of \$3,200.00 in 2016 General Election contributions from one (1) individual and one (1) partnership for which an attribution to one (1) individual was provided (Attachment 5).

On May 3, 2016, an RFAI referencing the 2016 April Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of 2016 General Election contributions during the 2015-2016 election cycle and requested that the Committee refund or redesignate the contributions since the Candidate was not eligible to participate in the 2016 General Election (Image 201605030300042922).

On June 10, 2016, the RAD Analyst contacted the Committee concerning the unrefunded 2016 General Election contributions, cited in the May 3, 2016 RFAI, among other items. The Analyst spoke with the Candidate and informed him that if these contributions are not timely refunded, the matter would be referred to another Commission office. At the Candidate's request, the Analyst e-mailed him a copy of the RFAI. The Candidate stated that the Committee would disclose the refunds of the 2016 General Election contributions on the next report (Attachment 6).

On July 15, 2016, the Committee filed the 2016 July Quarterly Report covering the period from April 1, 2016 to June 30, 2016 (Image 201607159020570122). This report disclosed no remedies for the 2016 General Election contributions from one (1) individual and one (1) partnership, originally disclosed on the 2016 April Quarterly Report.

On August 31, 2016, the RAD Analyst contacted the Candidate concerning the remaining unrefunded 2016 General Election contributions. The Analyst requested the

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O-Index (2015-2016)															
Cmte. ID: C00589739    Cmte. Name: KYLE MCCARTER FOR CONGRESS COMMITTEE															
Treasurer Name: STANDFIELD, KELLY    Address: 40 COMMERCE LANE, LEBANON, IL 62264															
Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)    Filing Frequency: QUARTERLY FILER															
Cmte. Type: H (HOUSE)															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Inq#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Beg Cvg Dt	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
RQ2	YE	N	5/3/2016	5	201605030300042917	10/1/2015	12/31/2015	5/3/2016		-	-	-	-	-	-
RQ2	Q1	N	5/3/2016	3	201605030300042922	2/25/2016	3/31/2016	5/3/2016		-	-	-	-	-	-
F3N	YE	N	1/29/2016	31	201601299004896209	10/1/2015	12/31/2015		\$0	\$140,985	\$53,550	\$87,434	-	\$60,000	\$60,000
F3N	12P	N	3/3/2016	95	201603039009641039	1/1/2016	2/24/2016		\$87,434	\$211,018	\$191,467	\$106,985	-	\$100,000	\$100,000
F3N	Q1	N	4/15/2016	64	201604159012497433	2/25/2016	3/31/2016		\$106,985	\$63,132	\$166,738	\$3,378	\$49,022	\$100,000	\$149,022
F3N	Q2	N	7/15/2016	32	201607159020570122	4/1/2016	6/30/2016		\$3,378	\$47,046	\$46,857	\$3,568	\$40,122	\$120,000	\$160,122
F3N	Q3	N	10/15/2016	22	201610159032806509	7/1/2016	9/30/2016		\$3,568	\$36,000	\$35,422	\$4,145	-	-	\$171,928
F6N			3/4/2016	1	201603049009643681					-	-	-	-	-	-
F6N			3/1/2016	2	201603019009631887					-	-	-	-	-	-
F6N			3/7/2016	1	201603079009645758					-	-	-	-	-	-
F6N			3/10/2016	1	201603109009731571					-	-	-	-	-	-
F6N			3/14/2016	1	201603149009742261					-	-	-	-	-	-
F6N			3/11/2016	1	201603119009735937					-	-	-	-	-	-
F1N	N	N	10/15/2015	4	201510159002942718					-	-	-	-	-	-
F2N		N	10/15/2015	1	201510159002944793					-	-	-	-	-	-
Totals											\$498,182	\$494,036			

Form To	Rpt To	A/I	Receipt Dt	Pgs	Begin Inq#	Begin Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
<p> Cmte. ID: C00589739    Cmte. Name: KYLE MCCARTER FOR CONGRESS COMMITTEE  Treasurer Name: STANDFIELD, KELLY    Address: 40 COMMERCE LANE, LEBANON, IL 62264  Cmte. Type: H (HOUSE)    Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)    Filing Frequency: QUARTERLY FILER </p>															
<p> O-Index (2013-2014) </p>															
<p> No records were found for this cycle. </p>															

Form	Form Tp	Rpt Tp	Avl	Recpt Dt	Pgs	Begin Img#	Begin Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
<p style="text-align: center;">O-Index (2011-2012)</p> <p> Comte. ID: C00589739      Comte. Name: KYLE MCCARTER FOR CONGRESS COMMITTEE  Treasurer Name: STANDFIELD, KELLY      Address: 40 COMMERCE LANE, LEBANON, IL 62264  Comte. Type: H (HOUSE)      Comte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)      Filing Frequency: QUARTERLY FILER </p>																
No records were found for this cycle.																



**Kyle McCarter for Congress Committee (C00589739)**  
**Summary of Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor**

Contributor Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Not Refunded Within Timeframe	Excessive/Prohibited Amount Refunded Outside of Timeframe	Refunded # Days After Receipt
BEST, JAMES W.	11/5/2015	\$37,300.00	P, 2016			
BEST, JAMES W.	1/28/2016	-\$37,300.00	P, 2016	\$34,600.00	\$34,600.00	84
TERRA PROPERTIES	12/31/2015	\$500.00	P, 2016	\$500.00	N/A	N/A
TOTAL GRAIN MARKET	12/8/2015	\$10,008.69	P, 2016			
TOTAL GRAIN MARKET	2/10/2016	-\$10,008.69	P, 2016	\$10,008.69	\$10,008.69	64
TRI FORD	11/5/2015	\$305.00	P, 2016			
TRI FORD	1/28/2016	-\$305.00	P, 2016	\$305.00	\$305.00	84
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframes:						\$45,413.69



**Kyle McCarter for Congress Committee (C00589739)**  
**Breakdown of Remedied and Unremedied General Election Excessive Contributions (all reports)**

Item	Amount
Total Amount Remedied Outside of the Permissible Timeframe (all reports);	\$0.00

Total Amount Unremedied (all reports): \$5,900,000

Total Amount Not Remedied Within the Permissible Timeframe (all reports):	\$5,900.00
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**Kyle McCarter for Congress Committee (C00589739)**  
**2016 General Election Contributions Not Refunded/Redesignated Within Permissible Timeframe, Listed by Contributor**

Contributor Name	Date	Contribution Amount	Amount Not Refunded Within Timeframe	Refunded # Days After Primary (on 3/15/16)
HOTALING, WILLIAM B.	3/9/2016	\$700.00	\$700.00	N/A
MERCER, ROBERT	2/22/2016	\$2,700.00	\$2,700.00	N/A
SEVEN OAKS APARTMENTS <sup>1</sup>	3/8/2016	\$2,500.00	\$2,500.00	N/A
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframe:			\$5,900.00	

<sup>1</sup> The Committee disclosed a partnership attribution of the full amount of this contribution (\$2,500.00) to Tate, Randall.